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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

| | | |
|--------------------------------|---|------------------------|
| HARALD RICHTER, |) | Case No.: 2:10-cv-1948 |
| |) | |
| Plaintiff, |) | |
| |) | <u>COMPLAINT</u> |
| vs. |) | |
| |) | (JURY TRIAL DEMANDED) |
| TELETYPESETTING CO. INC. d/b/a |) | |
| TELETYPE CO. |) | |
| |) | |
| Defendant. |) | |

The plaintiff, HARALD RICHTER, states as his Complaint the following:

JURISDICTION AND VENUE

1. This is an action for injunctive and monetary relief from patent infringement arising under the patent laws of the United States, Title 35 of the United States Code.

Accordingly, this Court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1338.

2. This Court has personal jurisdiction over Defendant. Defendant manufactures, distributes and sells the infringing products and is engaged in business dealings with customers as evidenced by its infringing products being offered for sale at industry trade shows and sold at many retail store locations, including multiple locations in this district.

3. Venue is proper in this district pursuant to 28 U.S.C. §1391 and §1400 in that Defendant is doing business in this district.

Parties

4. Plaintiff HARALD RICHTER is a German citizen having an address at Höhenstrasse 32, 75331 Engelsbrand (DE), Germany (hereinafter “Plaintiff” or “Harald Richter”).

5. On information and belief, TELETYPESETTING CO., INC. d/b/a TeleType Co. is a Massachusetts Corporation having an address at 44 School Street, 10th Floor, Boston, MA 02108 (hereinafter “Defendant” or “Teletype”).

6. Teletype is a regular exhibitor and/or attendee at major industry tradeshow in this district.

Claim for Relief

7. Plaintiff Harald Richter is the president and CEO of Herbert Richter GmbH & Co. KG (hereinafter “Herbert Richter”).

8. Herbert Richter is a manufacturer and distributor of a wide array of automobile accessory products including in the field of electronics accessories. Herbert Richter is an innovator of new accessory products used in the automobile industry. One group of products where Herbert Richter specializes includes mounts and similar devices for supporting electronics products in automobiles.

9. On February 20, 2007, United States Patent No. 7,178,771 ("the '771 patent"), entitled "Support Console With Pivotable Support Plate," was issued to Harald Richter. A Reexamination Certificate was issued with respect to the '771 patent on February 2, 2010.

10. Beginning in or about 2004, Herbert Richter has manufactured and sold support consoles in accordance with the construction claimed in the '771 patent. These support consoles have been sold in the United States and worldwide.

11. Beginning in approximately April 2007, support consoles sold in the United States have been sold bearing the marking of the '771 patent. These products are currently being offered for sale and sold by Herbert Richter and its affiliated companies worldwide.

12. Beginning at least as early as 2009, Teletype has offered for sale and sold GPS products that include as an accessory thereof a support console that is an infringement of the '771 patent. These support consoles are being sold in connection with the Teletype GPS Model Numbers including, not limited to the following: WorldNav 7100, WorldNav 7200, WorldNav 5100, and WorldNav 3300. There may be additional WorldNav products that include as an accessory thereto an infringing support console.

13. Upon information and belief, Teletype is very familiar with Herbert Richter and the many products and related patents of Herbert Richter. Upon information and belief, Teletype should have and probably did have knowledge of the '771 patent before offering for sale its infringing support consoles in the United States.

14. The support console products identified above and that are distributed and sold by the Defendant, infringe one or more of the claims of the '771 patent. These infringing activities violate 35 U.S.C. §271. Upon information and belief, such infringement has been and continues to be willful.

15. As a consequence of the foregoing infringing activities of the Defendant regarding the '771 patent as complained of herein, Plaintiff has suffered monetary damages in an amount not yet determined, and Plaintiff will continue to suffer such damages in the future unless and until the Defendant's infringing activities are enjoined by this Court.

Requested Relief

WHEREFORE, Plaintiff prays for judgment against the Defendant as follows:

A. That Defendant be declared to have infringed one or more of the claims of the '771 patent;

B. That Defendant, its officers, agents, servants, employees, attorneys, parents, subsidiaries, affiliates, successors, and all others in active concert or participation with it or acting in its behalf be permanently enjoined from further infringement of the '771 patent;

C. That Defendant be ordered to account for and pay to Plaintiff all damages caused to Plaintiff by reason of the Defendant's infringement of the '771 patent pursuant to 35 U.S.C. §284, including any enhanced damages;

D. That Plaintiff be granted pre-judgment and post-judgment interest on the damages caused to it by reason of the Defendant's infringement of the '771 patent;

E. That this be declared an exceptional case pursuant to 35 U.S.C. §285, and that Defendant be ordered to pay Plaintiff's attorneys fees and costs; and

F. That Plaintiff be granted such other and further relief as this Court may require and that the Court may deem just and proper.

Jury Demand

Plaintiff demands a jury trial on all issues triable to a jury in this matter.

Respectfully submitted,

Date: 11/4/2010

By: _____



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